

(C) That a different field of search is required: In this regard, a separate search is required where it is necessary to search for one of the distinct subjects in places where no art pertinent to the other subject exists.

I. THE FIRST PRONG

A. Independent Invention

The MPEP defines independent inventions as those which are not connected in design, operation, or effect. In the instant case, despite any dissimilarity of subject matter in the figures (if any), the claims (the subject matter believed by Applicants to be the invention), are connected in all of design, operation, and effect. In this regard, claims 1 and 12 recite substantially similar inventions, principally different embodiments of a modular hybrid power source for converting a non-hybrid vehicle to a hybrid one. Moreover, the claims which depend from claims 1 and 12, for example, generally define more specific variations of the inventions in claims 1 and 12 by pointing out particular types of power generation mechanisms (in the hybrid power module combination), the types of interfaces between components, and/or the types of vehicles with which the power module can be combined. Given these facts, it is respectfully presented that a conclusion that the subject claims recite “independent inventions”, at least as that term is defined herein, would be in error. In fact, MPEP 808.01 specifically recognizes that independent inventions are “rarely presented, since persons will seldom file an application containing disclosures of independent things.”

B. Distinct Invention

If an invention is not “distinct” from another, restriction between the inventions is never proper. See MPEP 806.05. A determination of distinctiveness can be made in several ways. For example, if the embodiment can be shown to have utility by itself, or if it is intended for separate manufacture, use, or sale, then an embodiment may be distinct. In the claims as they now pend, however, the different embodiments of the invention as defined by the limitations of the claims are simply variants of one another, having the same general purpose (i.e. utility), and are intended for the same general use. Moreover, the structures recited in the dependent claims (and as represented in the figures) are not intended for separate sale, but conversely, are intended to be a more specific functional part of the overall broadly recited invention (e.g. a hybrid power module) and, furthermore, as recited as part of the combination, are intended to be manufactured or sold as a single unit. For the foregoing reasons then, the various embodiments of the inventions as now claimed and illustrated by the drawings are not believed to be distinct as is defined by the pertinent section(s) of the MPEP.

II. THE SECOND PRONG

If separately claimed inventions are determined to be independent and distinct under the criteria of MPEP 806.05(c)-806.05(i), something which is disputed explicitly herein above, another hurdle must still be crossed before a restriction requirement can be issued. Specifically, the Examiner must show that the separate and distinct inventions

have separate classification, separate status in the art, or that the inventions are required to be searched in different so-called fields (explanations of these criteria can be found above).

In considering these requirements, it is respectfully submitted that the claimed invention embodiments, presently being restricted by the Examiner, are not and would not be recognized in the art as a separate subject for inventive effort, have not been indicated as requiring separate inventive efforts (but instead are part of an overall broad invention having different permutations of varying specificity), and would not be separately classified in the Patent Offices technology classification system (i.e. it is not necessary to "search" for one of the inventions in a field or place in which no art pertinent to the other subject exists).

CONCLUSION

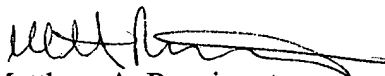
In view of the foregoing, because the different embodiments of the invention, as claimed, are believed to fulfill none of the above delineated criteria required to be met when making a restriction requirement, the subject requirement is believed to be erroneous, and its withdrawal is respectfully solicited.

Although all issues are believed to have been resolved by this response, if any issues are determined to remain, the Examiner is respectfully invited to contact the undersigned telephonically so that such issues can be resolved most expeditiously.

If any fees are determined to be required with this response, please charge them to Deposit Account 50-0555.

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Respectfully Submitted,



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